

Brian L. Budsberg  
BUDSBERG LAW GROUP, PLLC  
P.O. Box 1489  
Olympia, WA 98507  
(360) 584-9093

The Honorable Brian D. Lynch  
Location: Tacoma, Washington  
Chapter 7

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA

In re:  
NDUTA, THOMAS GITAKA  
GITAKA, IRENE WAIRIMU  
  
Debtor(s).

Case No. 14-41672  
*Chapter 7*

**EX PARTE MOTION TO AUTHORIZE  
EMPLOYMENT OF REAL ESTATE  
BROKER**

TO: The Clerk of the Court  
AND TO: The United States Trustee

COMES NOW, the Chapter 7 Trustee, Brian L Budsberg, and moves the Court pursuant to FRBP 2014 and 11 U.S.C. § 327 for an Order authorizing the Trustee to employ the firm of Keller Williams Eastside, and Chad Tharp, specifically, to fulfill the following purposes regarding the marketing and sale of real property identified on Debtor's Schedule A as being located at 3767 Tribute Circle E, Fife, WA 98424:

## Tribute Circle E, Fife, WA 98424:

1. To advise and consult with the Trustee concerning questions arising during the proposed sale of real property;
  2. To actively search for prospective purchasers and to examine their worthiness to purchase the real property.
  3. To appear on behalf of the Trustee and to represent the Trustee's interests during the sale of Real Estate;
  4. To assist in preparation of documents pertaining to the sale of the real property.

**EX PARTE MOTION TO AUTHORIZE  
EMPLOYMENT OF REAL ESTATE BROKER - 1**

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Facsimile: (360) 252-8333

1           The employment of a Real Estate Broker is appropriate for the following reasons:

2           The estate has a potential asset in real property in excess of the security interest held against  
3 it and the exemptions of the debtor, specifically real property located at 3767 Tribute Circle E,  
4 Fife, WA 98424.

5           For the foregoing reasons, Trustee desires to retain Keller Williams Eastside, and Chad  
6 Tharp specifically, as Real Estate Brokers for the estate.

7           To the best of Trustee's knowledge, the Brokers have no interest adverse to the Debtor(s),  
8 the bankruptcy estate, or the Chapter 7 Trustee in any matters upon which this engagement is  
9 sought; neither is the Broker a creditor in this case nor has any retainer been paid or promised to  
10 Keller Williams Eastside, or Chad Tharp. Chad Tharp has read Local Bankruptcy Rule 2016-1  
11 and agrees to comply with those terms.

12           Chad Tharp shall be retained to list the property on the Multiple Listing Service providing  
13 a real estate **commission of 6%** upon the sale of the property to be shared with a selling agent in  
14 the event Keller Williams Eastside, and Chad Tharp are not both the listing and the selling agent.  
15 The payment of real estate commissions, along with other normal costs of closing, shall be  
16 requested at a further hearing to approve the specific sale of the property. The commission will  
17 be paid from the proceeds of the sale. ***In the event of either a settlement with the Trustee or a***  
18 ***Chapter 13 conversion*** and upon Court approval, Real Estate Broker shall be compensated a  
19 \$200.00 fee for pre-listing review of property and market analysis; additional fees and costs may  
20 also be submitted for additional time and expenses depending upon the progress and complexity  
21 of the terminated sale. There is no agreement regarding fees to be paid other than the terms  
22 outlined in this application.

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28 EX PARTE MOTION TO AUTHORIZE  
EMPLOYMENT OF REAL ESTATE BROKER - 2

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1 WHEREFORE, the Trustee requests that he be authorized to employ Keller Williams  
2 Eastside, and Chad Tharp, specifically, as his Real Estate Brokers and to render services in the  
3 areas described above with compensation to be paid as an administrative expense in such amounts  
4 and in the manner outlined and as the Court may hereinafter determine and allow.

5  
6 DATED this 1<sup>st</sup> day of August, 2014.  
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8 BUDSBERG LAW GROUP, PLLC  
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10 /s/Brian Budsberg  
11 Brian L. Budsberg, WSBA #11225  
Trustee  
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EX PARTE MOTION TO AUTHORIZE  
EMPLOYMENT OF REAL ESTATE BROKER - 3

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